HIGH COURT OF CHHATTISGARH AT BILASPUR

(23)

Writ Petition No.5646/2005

(Single Bench : Hon'ble Shri Justice S.R.Nayak, Chief Justice)

Petitioner: Habibul Rehman, S/o Mansuskh Khan, aged about 47 years, Occupation- Assistant Grade I, Directorate of Agriculture, Raipur (C.G.)

Verus

Respondents: 1) State of Chhattisgarh, Through Secretary, Agriculture, D.K.S.Bhawan, Raipur (C.G.)

2) Director, Directorate of Agriculture, Chhattisgarh, Raipur (C.G.)

Present: Smt. Hamida Siddiqui, counsel for the Petitioner.
Shri Yashwant Singh Thakur, G.A. for the State.

ORAL ORDER

(Passed on 19.12.2005)

The petitioner is presently serving as Assistant Grade-I in the Office of Directorate of Agriculture at Raipur (C.G.) and by the impugned order, he has been transferred from that place to the Office of Deputy Director, Agriculture, Kanker. The validity of the transfer is assailed mainly on two grounds. The first ground is that amongst 10 posts of Assistant Grade-I, three posts were required to be filled up by scheduled tribe, one post was reserved for scheduled tribe and six posts were required to be filled by unreserved category candidates, but, committing a mistake seven unreserved employees were promoted and when this mistake was brought to the notice, the respondent No.2 has effected the impugned transfer order. According to the petitioner, among the promotees, a promotee who is junior to the petitioner should have been transferred to Kanker and not the petitioner. The second contention is that Kanker is a far off place, and therefore, it would result in hardship to the petitioner.

2. The first ground urged in the writ petition is required to be noticed only to be rejected. It is not the requirement of the law that whenever a State employer wants to transfer an employee from one place to another in the exigency of service and in the public interest, he should necessarily transfer the junior most in a particular cadre from that place. Who should work where is a prerogative of the State Employer and that power cannot be limited by this Court. Even assuming that the transfer of the petitioner from the present place to Kanker would result in hardship, as held by the Apex Court in the large number of cases, it is not for this Court to annul a transfer order on the ground of hardship and if the transfer order results in hardship, it is for the concerned employee to make appropriate representation to the concerned authority in the administrative echelon and it is for such authority to appreciate the hardship and pass appropriate order. The Court could take judicial notice of the fact that every transfer has the effect of uprooting the officer from a place and in that sense, it would definitely result in same inconvenience and hardship, but, the employees under the State are expected to bear such hardship and inconvenience in the public interest. Having joined public service, it should not lie in the mouth of the government servant to contend that he should be kept at a particular place and station for all times. So long as the petitioner holds a transferable post, he is liable to be transferred from one place to another place and one post to another post which is equivalent in official status.

3. Looking from any angle, I do not find any merit in the contentions raised in this petition. The writ petition is devoid of merit and it is accordingly dismissed, however, with no order as to costs.

Sd/-
Chief Justice

Anjani